IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

OP.No. 27757 of 2001(D)

PETITIONER:

SR FLORENCE FRANCIS, SISTER PROVINCIAL,
ST JOSEPHS PROVINCIALATE, GOLDEN STREET,
VADUTHALA P.O, KOCHI.

BY ADV. SRI.JOSE J.MATHAIKAL

RESPONDENTS:
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1. **THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE TRANSPORT COMMISSIONER, THIRUVANANTHAPURAM.**

3. **THE REGIONAL TRANSPORT OFFICER, ERNAKULAM.**

BY ADV. SRI.N.JAMES KOSHY
GOVERNMENT PLEADER SRI.M.MOHAMMED RAFIQ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.27757/2001

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE RECEIPT AND APPLICATION DATED 29.8.2001.

EXT.P2: TRUE COPY OF THE LETTER DATED 14.9.2001 BY 3RD RESPONDENT.

EXT.P3: TRUE COPY OF THE CIRCULAR NO.7/2000 DATED 18.5.2000.

EXT.P4: TRUE COPY OF THE ORDER IN CMP NO.29613/2001 IN O.P.18413/2001.

ORDER IN C.M.P.NO.45057 OF 2001 IN OP NO.27757 OF 2001

DISMISSED

14/02/2007 **SD/-**
K.BALAKRISHNAN NAIR, JUDGE

//TRUE COPY//

P.A. TO JUDGE

K.BALAKRISHNAN NAIR, J.

O.P.No.27757 of 2001

Dated this the 14th day of February, 2007.

JUDGMENT

The petitioner purchased a Mahindra Marshal vehicle. She moved for registering the said vehicle as an omnibus for private use. But, the Registering Authority informed her by Ext.P2 communication that she has to apply for private service vehicle permit and remit the tax applicable to private service vehicle. This original petition is filed, challenging Ext.P2. This court on 19-9-2001 issued an interim direction to register the vehicle as omnibus for private use and to collect tax at the rate applicable to omnibus for private use. The petitioner prays for making the said interim order absolute.

2. I heard the learned Government Pleader for the respondents.

3. The point raised by the petitioner is covered in her favour by the decision of this court in Job Koottumkal Vs. State of Kerala (2003 (1) KLT 731).

Accordingly, the Original Petition is allowed making the above interim order absolute.

K.BALAKRISHNAN NAIR,
JUDGE.

MS